

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>CORY ROOK, f/k/a CURTIS DUNCAN,</b>	:	
<b>et al,</b>	:	<b>Case No. 2:19-cv-4295</b>
	:	
<b>Plaintiffs,</b>	:	<b>CHIEF JUDGE ALGENON L. MARBLEY</b>
	:	
<b>v.</b>	:	<b>Magistrate Judge Chelsea M. Vascura</b>
	:	
<b>D’S EXCAVATING &amp; SERVICE LLC,</b>	:	
<b>et al,</b>	:	
	:	
<b>Defendants.</b>	:	

**OPINION & ORDER**


This matter is before the Court on Magistrate Judge Vascura’s Report and Recommendation (EFC No. 58), which responds to a Motion for Default Judgment by Defendant Inland Waters Pollution Control, Inc. (“Inland”) (ECF No. 57). Inland seeks default judgment against Defendant D’s Excavating & Service, LLC (“DES”) in the amount of \$121,276.98. Magistrate Vascura recommends that Inland’s Motion for Default Judgment be granted in part and denied in part. Specifically, she recommends that default judgment be granted against DES and in favor of Inland in the amount of \$112,496.48.

The Report and Recommendation was filed on March 22, 2021 and advised the parties that they had fourteen days thereafter to raise any objections. The Report and Recommendation also notified the parties that a failure to object within the applicable time period would result in a waiver of the right to have the district judge review the Report and Recommendation de novo.

The Court has reviewed the Report and Recommendation. Noting that no objections have been filed and that the time for filing such objections expired, this Court **ADOPTS** the Magistrate Judge’s Report and Recommendation [#58] as this Court’s findings of facts and law. The Court

**GRANTS** default judgment against DES and in favor of Inland and **ORDERS** DES to pay Inland \$112,496.48.

**IT IS SO ORDERED.**

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**ALGENON L. MARBLEY**  
**CHIEF UNITED STATES DISTRICT JUDGE**

**DATED: July 6, 2021**